

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

VICTOR VOE, by and through his parents  
and next friends, Vanessa Voe and Vance  
Voe; *et al.*,

*Plaintiffs,*

v.

THOMAS MANSFIELD, in his official  
capacity as Chief Executive Officer of the  
North Carolina Medical Board; *et al.*,

*Defendants,*

and

PHILIP E. BERGER, in his official  
capacity as President Pro Tempore of  
the North Carolina Senate; and  
DESTIN C. HALL, in his official  
capacity as Speaker of the North  
Carolina House of Representatives,

*Intervenor-Defendants.*

CASE NO. 1:23-cv-864

**JOINT NOTICE REGARDING AGREEMENT OF  
INTERVENOR-DEFENDANTS AND PLAINTIFFS TO  
WAIVE FEES IN CONNECTION WITH DISCOVERY MOTIONS**

On January 2, 2025, the Court entered a text order providing that “Counsel for Plaintiffs and Intervenor-Defendants shall meet and confer about expense-shifting as to [112] Motion (including the reasonableness of the amount of expenses sought by Intervenor-Defendants) in advance of the hearing” scheduled for January 16, 2025. Text Order, Jan. 2, 2025. In compliance with that Order, counsel for Plaintiffs and Intervenor-Defendants (“Intervenors”) have conferred on this topic in good faith. Intervenors and Plaintiffs have agreed that both Plaintiffs and Intervenors waive recovery

of any fees or expenses in connection with (1) Plaintiffs' motion for a protective order regarding subpoenas served on third-party University of North Carolina entities, Doc. 112; (2) Intervenor's motion to compel discovery, Doc. 119; and (3) Plaintiffs' motion for a protective order regarding Dr. Smith's deposition, Doc. 122. Plaintiffs and Intervenor make this waiver regardless of the outcome of those three motions, including the two discovery motions that remain pending, and regardless of which parties prevail at the end of this litigation. Moreover, Plaintiffs have agreed that, even if they qualify as the prevailing party at the end of this litigation, they will also forego seeking fees for one hour of time spent preparing Dr. Riley Smith for the September 2024 deposition.

Intervenor and Plaintiffs respectfully submit this notice to inform the Court of their agreement. While Intervenor and Plaintiffs believe this agreement resolves all issues regarding potential fee-shifting for the discovery motions in this case, they welcome any further guidance the Court may have.

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Dated: January 10, 2025

/s/ Craig D. Schauer

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Respectfully submitted,

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\* Appearing by notice of special  
appearance pursuant to L.R. 83.1(d).

*Counsel for Plaintiffs*

### **CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that, on January 10, 2025, I electronically filed the foregoing Notice with the Clerk of the Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

/s/ Craig D. Schauer  
Craig D. Schauer  
*Counsel for Intervenors*